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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/085,125	03/01/2002	Tomoaki Umeda	Q66588	3925

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EXAMINER

BAYERL, RAYMOND J

ART UNIT	PAPER NUMBER
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2173

DATE MAILED: 12/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/085,125

Applicant(s)

UMEDA, TOMOAKI

Examiner

Raymond J. Bayerl

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 - 34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 1, 4, 7, 19 - 34 are rejected under 35 USC 103(a) as being unpatentable over Nagasaka et al. ("Nagasaka"; US #6,697,090 B1) in view of Fredlund et al. ("Fredlund"; US #5,666,215).

As per the "data management method" of independent claim 1 (and also the comparable "apparatus" and "recording medium" of respective independent claims 4, 7), the use of an "icon corresponding to a data management unit with which data can be registered" is found in Nagasaka, where a "drag-and-drop" interface such as the one in figs 9(a), 9(b) appears. In Nagasaka, When the user selects a desired image and a desired printer among the possible choices and drags and drops the data icon of the selected image onto the icon of the selected printer, an instruction to transfer data of the selected image from the digital camera A to the selected printer is immediately given (col 12, lines 26 - 61). Such a transfer reads directly upon "registering the data with the data management unit", when a source icon in Nagasaka is dragged and dropped upon a printer destination. As is seen in figs 4(a), 9(a), 9(b), respectively, the levels of Digital Cameras, Digital Camera A, and Digital Camera A's images are all selectable as icons representing "data".

While Nagasaka contains the illustration in the hierarchy of sources that "opening the icon" can produce "a simple output of the data" in the case of, for example, a Digital Camera A icon showing its image contents, Nagasaka does not contain an **explicit** teaching that "a simple output of the data registered with the data management unit to

Art Unit: 2173

the display” should occur by “opening” the “icon corresponding to a data management unit” (though an intermediate device to which an object is dragged in Nagasaka may be an input device or an output device (col 4, lines 4 - 15), meaning that a destination “icon” subject to “registering the data” has the potential in such a case of being opened in, say, the style of the Digital Camera A icon, and thus yielding a “simple output”).

However, the Fredlund SYSTEM AND METHOD FOR REMOTELY SELECTING PHOTOGRAPHIC IMAGES is such that imagettes (28) from the digital image file are displayed in a column 52 (fig 3; col 5, lines 14 - 51) and the customer then identifies one of the images using a standard drag and drop computer interface, dragging it into the large display area 56. Fredlund is significant in this regard, in that when the image has been displayed in the display area 56 (and thus “registered” for image related services as an “order for the data registered”), various operations on the displayed image can be performed (col 5, line 52 - col 6, line 6), prior to submission to a photofinisher. This amounts to a print preview of the selected imagery that is being sent to a printer, and thus a “simple output of the data”.

It would have been obvious to a person having ordinary skill in the art at the time of applicant’s invention to have an “icon corresponding to a data management unit” that is a destination for “a drag-and-drop operation for the data onto the icon” as in Nagasaka, but where an alternative representation of the “icon” (such as that which would be obtained “by opening the icon” in Nagasaka) is that of Fredlund’s “simple output” as in the display area 56, because this provides an immediate indication to the Nagasaka user of what is being forwarded to further processing from initial “data”.

Motivation to modify Nagasaka (besides that of the destination icon being openable as a subsequent source) rests at least in Nagasaka's interest in providing a reliable indication of what is about to be printed, saving printing resources of the kind that will become particularly valuable in a specialty-printing arrangement such as Fredlund's.

As per claims 19 - 21 (and also claims 25 - 27), in which "the data management unit stores the data or a link to the data", when Fredlund's user has "registered" "data", it is forwarded to a photo processing lab (col 6, lines 50 - 63), at which a buffered copy of some sort will be retained.

Having "a plurality of data" being "individually dragged-and-dropped onto the icon to register the plurality of data" (claims 22 - 24) is implied by the user having the capability to select multiple images from a region 603 as in fig 6(b) of Nagasaka.

As per independent claim 28's "image display and ordering method" (and the parallel "apparatus", "medium" of respective independent claims 30, 32), the Nagasaka arrangement provides both for "a display icon corresponding to a stored image data set" (such as Digital Camera A's indications) and "an order icon corresponding to an image data set selected for ordering", when the Printer icons are extended to the environment of developing order information as in Fredlund, with "registering" being accomplished by "a drag-and-drop operation" in Nagasaka. When Nagasaka's source preview for Digital Camera A is accompanied by the use of print preview region 56 in Fredlund, "a simple image" is accessible upon the opening of each such "icon". Should the Nagasaka user have Fredlund's notification of what is about to be printed upon "opening the order icon" at the Printer location, "image order processing of the registered image" is possible, as

in the image modifications possible in Fredlund's preview region. Alternatively, the Nagasaka/Fredlund combination reads reasonably upon "image order processing", when the Nagasaka icon is at all accessed upon "opening the order icon" to show Fredlund's preview.

As per claims 29, 31, 33, "a simple image of each registered image" will be presented as in Fredlund, noted above. Then, "requesting print order information" occurs in Fredlund, to specify what the photofinisher should do. Finally, the Fredlund photo processing lab 14 as in figs 1A, 1B is the destination for "sending the print order information to a remote processing center".

As per claim 34, "data selection and order content input can be carried out at one time" in Nagasaka, where placement upon the drop-destination assigns the image to further processing, when combined with Fredlund, where "order content" is specifically designated.

3. Claims 2 - 3, 5 - 6, 8 - 18 are rejected under 35 USC 103(a) as being unpatentable over Nagasaka in view of Fredlund and Jackson et al. ("Jackson"; US #2002/0105658 A1).

As per claim 2's limitation that "the data are image data and the simple output is displaying a thumbnail image" (and also claims 5, 8), while the "image data" source has such thumbnails in both of Nagasaka and Fredlund, the Fredlund/Nagasaka combination does not contain an **explicit** situation of a selected image region showing such a "simple output" in "thumbnail image" form (though the print preview region 56 in Fredlund provides a "simple output" *per se*).

However, in UTILIZING STORED IMAGES, Jackson has a user selecting at least one image to be utilized after viewing the displayed images, and selecting a service (Abstract). Jackson's fig 7 illustrates a "thumbnail" index with highlighting representing the images selected for a service (paragraphs [0049] - [0050]). As in Fredlund, this is a "simple output of the data registered with the data management unit".

It would have been further obvious to the person having ordinary skill in the art at the time of applicant's invention to use a selected image index such as Jackson's, in conjunction with the "data management method" seen in Nagasaka/Fredlund, for this will assist the user still further in understanding just what has been indicated for print "by carrying out a drag-and-drop operation". The Nagasaka user, for example, would be motivated in the plural-item image selection from thumbnails in fig 6(b) to provide the user an indication of those items that have been cumulatively selected, so as to verify a print job order.

As per claims 3, 6, 9, in the Nagasaka/Fredlund scenario, a Jackson selected item thumbnail screen as per the obvious modification can indicate "the case where a plurality of sets of the image data have been registered with the data management unit", this becoming (as in Fredlund and Jackson both) "an order screen". Both Fredlund and Jackson also have "receiving an input of the content of a print order" and "generating order information"; being involved as they are in photo processing. As seen in Fredlund's figs 1A, 1B, a "remote service provider" as in claims 10 - 12 is capable of all of "storing image data, recording the image data on portable recording medium" (as via a photo CD writer 113), and "printing image data" as by the printer units 106, 108, 110.

As per claims 13 - 15, Jackson's user uploads digital files In another embodiment, containing videos, audio recordings, or scanned documents such as children's drawings, deeds, wills, etc. (paragraph [0078]), to read upon the claimed "image data, audio data, moving-image data and text-file data". In addition to the above-noted "thumbnail image of the image data" (claims 16 - 18), thumbnails depicting one or more images of a video clip, or an audio snippet providing a short audio recording are provided for user selection in Jackson, to read upon a "simple output" of "a portion of the audio data" and "still image of a scene in the moving-image data", while the representations in Jackson are "a print preview of the text file" for scanned documents.

4. Applicant's arguments filed 22 November 2006 (originally with the after-final response filed 23 October 2006) have been fully considered but they are not persuasive.

Applicant argues at page 11 that the Examiner "does not proffer any reason as to why it would have been obvious to modify the system in Nagasaka to include a screen where ordering information is taken". However, in picking images for transfer to a printing device, Nagasaka is, in a sense, providing an "order" to the printer as to what should be output, and this bears strong analogy to the explicitly disclosed order-taking screen of Fredlund. Nagasaka ports a user's digital camera to further output of the imagery captured, by a hardcopy device. This has ample suggestion to replace the general-purpose printer of Nagasaka with a specialty photofinishing arrangement, when that is what the user desires. It does not "clearly change the principle of operation of

Art Unit: 2173


Nagasaka" (arguments, page 12) to make such a substitution, so that drag-and-drop selection simply goes to another output.

At page 13, applicant argues that "Nagasaka does not disclose that its output device can be opened to provide a simple output of the registered data. The fact that an intermediate device may be able to open stored input data in a manner similar to that of Digital Camera A is not relevant to the issue at hand. The issue is whether data sent to output devices are accessible for viewing in the same manner as the stored data in input devices." However, when the intermediate device in Nagasaka is openable to reveal its contents, its status as an intermediate device means that it is both of an "input device" and an "output device". There is therefore a suggestion in Nagasaka that, once data has been registered via drag-and-drop to a destination that provides output (as in the claim, where imagery is sent to the order processing facility) that it may be reviewed in "simple output" form, when combined with Fredlund, who explicitly show the presentation of a "simple output" for images to be sent to such a print service.

Concerning Fredlund specifically, applicant argues at page 13 that "one skilled in the art would view the display area 56 of Fredlund as an image editing screen, not a print preview screen. The fact that display area 56 may provide a view of an image does not make it a 'print preview screen.'" But the Examiner fails to appreciate the attempt at logic in this argument. Even if editing is possible using the "simple output" of Fredlund, Fredlund continues to show a representation of imagery that has been selected for photofinish processing, as would obviously be supplied using the drag-drop interface of Nagasaka.

Art Unit: 2173

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raymond J. Bayerl whose telephone number is (571) 272-4045. The examiner can normally be reached on M - Th from 9:30 AM to 4:30 PM ET.
6. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, can be reached at 571-272-4063. All patent application related correspondence transmitted by FAX **must be directed** to the central FAX number (571) 273-8300.
7. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2100.



RAYMOND J. BAYERL
PRIMARY EXAMINER
ART UNIT 2173

11 December 2006